



# *Memorandum*

**TO:** HISTORIC LANDMARKS  
COMMISSION

**FROM:** Courtney Damkroger

**SUBJECT: DRAFT REPORT ON  
CONSERVATION AREAS  
FOR STUDY SESSION**

**DATE:** April 3, 2002

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## **Introduction**

In December 2001 the San Jose City Council adopted an ornamental street lighting policy that allows for the use of such lights in designated historic districts and conservation areas. At that time, the Department of Planning, Building and Code Enforcement committed to develop and codify criteria and procedures for the designation of conservation areas in San Jose. The Department provided Council with a schedule for a Conservation Area Study that would evaluate the use of conservation areas in other communities and make recommendations for local procedures and criteria. It is expected that this project will be exempt from the California Environmental Quality Act (CEQA).

It is anticipated that the development of criteria and procedures will involve substantial public input. This Study Session is the first of the planned meetings on the topic. Plans call for discussion of conservation areas with the Planning Commission at a May 2002 meeting with presentation to City Council in June. While at least three public sessions are scheduled, there may be a need to provide for more.

## **Background**

San Jose currently has five historic districts and three conservation areas. The City's three conservation areas are residential neighborhoods.

### Historic Districts:

- Hensley Historic District (City Landmark and National Register Historic District)
- Downtown Commercial Historic District (National Register Historic District)
- St. James Square Historic District (City Landmark and National Register Historic District)
- Port of Alviso (National Register and State Point of Historical Interest)
- River Street Historic District (City Landmark District)

### Conservation Areas (please see attached maps):

- Hanchett and Hester Park
- Naglee Park
- Palm Haven

Conservation areas are included in the City of San Jose Historic Resources Inventory. The 1987 Historic Resources Inventory, published by the Department of Planning, Building and Code Enforcement, describes conservation areas as follows:

...significant because their continuity reflects a particular period of design or architectural style. Significance is derived from a grouping of structures viewed as a whole rather than from the importance of an individual building. The historic significance of these areas generally reflects developmental patterns of growth in the city rather than associations with individuals or events.

... represent neighborhoods within the central planning area containing significant historical and architectural structures. Each area is defined in terms of its physical boundaries and not its historical development. The distinctions were made primarily on the basis of similar style and period of design, or on distinct physical separation between areas such as major thoroughfares and rivers.

Historic districts are defined as follows in the San Jose Municipal Code, Title 13, Chapter 13.48.020:

“Historic district” shall mean a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development.

Permitting requirements: Whereas owners of property in historic districts are required to obtain a Historic Preservation Permit, under Title 13 of the Municipal Code with review and comment by the Historic Landmarks Commission for changes to the exterior of their properties, homeowners in conservation areas must obtain a Single Family House Permit, under Title 20 of the Municipal Code, for the remodeling of a single family home. These permits do not go to the Historic Landmarks Commission except in rare cases where a demolition or radical alteration is proposed and attention by the Landmarks Commission appears warranted. In 1999 the City Council adopted the Single Family Design Guidelines to assist homeowners with remodeling and new construction project planning.

San Jose 2020 General Plan: While the General Plan includes a broad array of historic preservation goals and policies, this study provides an opportunity to strengthen policies for historic areas. It is recommended that the “Areas of Historic Sensitivity” in the General Plan be expanded to include conservation areas. A text amendment would be required to accommodate the inclusion of conservation areas.

## **Analysis**

Conservation Area Research: Planning staff researched the use of conservation areas in other cities around the country, but particularly in the west. While various city policies were reviewed and staff interviewed, it is important to note that this is not an in-depth, comprehensive study. Staff looked at conservation area or district programs in approximately eight cities (Boston, Nashville, Riverside, Boise, Napa, Dallas, Austin and Phoenix). A matrix comparing programs is attached as are selected provisions from various programs.

How are conservation areas defined? Generally the definitions reflect an intent similar to San Jose’s: they are neighborhoods with a distinct character that include significant architecture and or historic merit where preservation, protection or conservation are goals. Often, though not

always, these areas do not yet or quite merit historic district designation but due to their special character warrant special land use attention. Nore Winter in Zoning News, Summer 1997, described them as follows:

A conservation district is usually designated as an overlay on a basic land-use category or geographically over a neighborhood. It provides more limited design restrictions than a historic district. The focus is on maintaining the basic character of the area, but not the specific historic details of buildings.

Referred to as “districts” or “areas,” these designations can cover whole portions of cities and incorporate one or more historic districts within them or be individual, defined areas as found in San Jose. In some cases, conservation areas are used as buffer zones for designated historic districts, where there is a consistency in architecture, style and age, where there is a desire to protect the edges of the historic district, but where the area may not warrant inclusion in the historic district. Usually conservation areas are residential neighborhoods, but in some instances are commercial or other uses.

What is the criteria for designating conservation areas? In Nashville, for example, the criteria for historic district and conservation areas is the same, though the requirements for review of alterations differs. Residents of qualifying neighborhoods in Nashville are able to choose whether to use conservation areas or historic districts. The historic district route has stricter review and compliance criteria for changes to contributing properties. The following are examples of criteria taken from Napa, Boise and Riverside.

Napa (does not require historic significance):

- the majority of properties represent established and familiar visual features of a neighborhood, community or central city; or
- the majority of properties convey a sense of cohesiveness through their design, setting, materials or association; or
- the majority of properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or
- the character of the neighborhood is defined by similarities in basic elements of urban design such as uniform alignment of porches along the street, or similarity in building scale, materials and landscapes.

Boise:

- has a distinctive character with identifiable attributes, embodied in architecture, use, urban design or history that make it a unique and integral part of the city’s identity.
- has a recognized neighborhood identity and definable physical character that may have a high artistic value or may have a relationship to urban centers or historic districts which makes the area’s conservation essential to the city’s history or function.

Riverside:

- provides a contextual understanding of the broader patterns of Riverside’s cultural, social, economic, political, aesthetic, engineering, architectural, or natural history; or

- represents established and familiar visual features of a neighborhood, community or of the City; or
- reflects significant development or geographical patterns including those associated with different eras of settlement and growth; or
- conveys a sense of historic or architectural cohesiveness through its design, setting, materials, workmanship or association.

What are the procedures for designation and review in conservation areas? The cities reviewed in this study use a conservation area overlay designation. The overlays are typically geographical boundaries and do not change the underlying zoning. Request for a conservation area overlay typically comes from the neighborhood organization or residents of the neighborhood, landmarks or planning commission. The designation process is not unlike historic district designation. Usually the landmarks commission is the body responsible for review of applications. There are requirements for evaluation of the area, in some cases historic resource surveys are required and public hearings typically before the landmarks commission and city council.

In most cases there is some level of design review whether by the landmarks commission, planning staff or in some cases neighborhood organizations. What is reviewed and whether compliance is mandatory or voluntary can vary. Most ordinances address the tailoring of design guidelines for designated conservation areas. In cases where there are not design guidelines, some ordinances cite the Secretary of the Interiors Standards for the Treatment of Historic Properties as the guide to be followed. Generally, the Standards are used for the basis of tailored design guidelines. New construction, demolition and additions are generally subject to design review. In some cases, remodeling, upgrading and alterations that do not add square footage are not—this is the case, for example, in Nashville.

### **Recommendations**

In summary, the purpose of conservation areas is to preserve and enhance neighborhood character in those areas that have a definite cohesiveness, that may not merit consideration as an historic district because they do not meet the criteria, or, in some cases, where designation as an historic district is not supported by residents. The following draft purpose, criteria and procedures for designating new conservation areas in San Jose are provided as a means to start discussion. It is important to note that these suggestions are merely a starting point, intended to foster discussion and a more clearly defined process for designating and maintaining conservation areas.

Purpose: Because the City does not currently have a Purpose Statement for conservation areas the following draft is proposed:

The purpose of the Conservation Area in Title 13 of the San Jose Municipal Code is to provide a designation tool to recognize and to preserve and enhance the character of qualifying neighborhoods.

Definition: Because the City does not currently have a definition for conservation areas, the following draft definition is proposed:

A conservation area is designated by an overlay that delineates a geographically defined area of the City with identifiable attributes embodied by architecture, urban design, development patterns and history.

Criteria: Significant changes to what currently functions as the criteria for conservation areas in San Jose are not proposed at this time. Suggested revisions to the existing criteria (as quoted on page 2) and new criteria are noted below

Conservation areas in the City of San Jose are significant because their continuity reflects a particular period of history, design or architectural styles. Significance is derived from the cohesive grouping of structures viewed as a whole rather than from the importance of an individual building. The significance of these areas generally reflects geographical or developmental patterns of growth in the city.

Conservation areas shall meet one or both of the following criteria:

- The neighborhood or area conveys a sense of cohesiveness through its design, architecture, setting, materials, natural features and history, or
- The neighborhood or area reflects significant geographical or developmental patterns associated with different eras of growth in the City

Procedures: It is proposed that any resident or group of residents from a potential conservation area, an authorized agent of a resident or group of residents, Historic Landmarks Commission, Planning Commission, or City Council may apply for designation of a conservation area. Furthermore, it is suggested that the process mirror that of historic district designation, employing the criteria developed through the conservation area public process.

In addition, it is recommended that the application process include the requirement of an historic resource survey of properties within the proposed conservation area and the development of design guidelines for use by residents of the conservation area. The nomination process should incorporate significant public involvement.

With regard to design review, two alternatives are suggested for discussion purposes:

1. Continue the current process of staff review of exterior alterations, increase in habitable area, new construction and demolition requiring a Single Family House Permit and utilizing the Single Family Design Guidelines. However, it is suggested that the Guidelines be revised with language that addresses the significance and special character of individual conservation areas.
2. A second alternative is the drafting of detailed Design Guidelines specifically tailored to the particular character of each conservation area. Among the items to be addressed would be architectural styles, appropriate exterior treatments, integration of new construction, the character of the streetscape, use of landscaping and more. A history of each conservation area would be included in the guidelines. These conservation area specific guidelines would be used in place of the existing Single Family Design Guidelines.

It is recommended in both cases that the guideline revisions or new guidelines be adopted by City Council, and that they be voluntary but strongly recommended. The guidelines will help property owners, architects, builders and designers in project preparation. The guidelines will also be used by City staff, Landmarks Commission, Planning Commission and the City Council as criteria for making permit decisions and recommendations. It is also recommended that the Secretary of the Interiors Standards for the Treatment of Historic Properties be used as the basis for drafting the guidelines.

Additional factors for consideration and discussion: Questions have been raised recently regarding public review of projects in conservation areas where Single Family House permits are required. Currently in conservation areas, a Single Family House permit is required for new construction and remodeling of homes. Unless the project triggers one or more of the thresholds noted below (for a more complete description of the process please see the attached brochure), it is reviewed administratively and a public hearing is not required. New construction projects, for example, where the floor area ratio (FAR) exceeds .45 but is less than .65 are approved by the Director of Planning, those that exceed 30 feet or two stories in height or an FAR of .65 are reviewed by the Planning Commission and approved by City Council.

This study summary is simply a starting point with the intention of fostering constructive public discussion about the conservation area process in San Jose.

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Attachments:

Map of existing San Jose Conservation Areas

Conservation district information from Boise, Napa, Riverside and Nashville

Cultural Resources Partnership Notes, "Issues Paper, *Conservation Districts*" National Park Service, 1998

Innovative Tools for Historic Preservation, "Chapter 2, Conservation Districts" Planning Advisory Service, American Planning Association, 1992

Single Family House Permit brochure, City of San Jose, Department of Planning, Building and Code Enforcement

